



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,008	09/20/2001	Michael Ray Timperman	2001-0134.02	3800

21972 7590 11/14/2007
LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
740 WEST NEW CIRCLE ROAD
BLDG. 082-1
LEXINGTON, KY 40550-0999

EXAMINER

PARK, JUNG H

ART UNIT	PAPER NUMBER
----------	--------------

2619

MAIL DATE	DELIVERY MODE
-----------	---------------

11/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/957,008

Applicant(s)

TIMPERMAN ET AL.

Examiner

Jung Park

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 16-18, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 16-18, 26, and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4, 16, 18, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Minami et al. (US 6,034,963, "Minami").

Regarding claim 4, Minami discloses a method of processing data packets, comprising:

- receiving a plurality of the data packets (network packets, see fig.1) at a selected node (a node including 101 & 102 fig.1);
- extracting only pertinent information from the data packets while ignoring non-pertinent information from the data packets (protocol handler parses header information, see col.2, ln.43-45), the pertinent information being pertinent to the selected node (the resulting data are passed to data handler, see col.2, ln.45-46);
- generating a plurality of response data packets based on the pertinent information (each data state machine reacts accordingly to the pertinent data, see col.2, ln.49-52; any outgoing network packets are created by the data state machine, see col.2, ln.57-62), wherein the extracting and generating steps are performed without use of a microprocessor (using protocol state machine, see col.2, ln.40-42); and
- transmitting a signal indicating (inherent to send a signal for the function described in col.2, ln.57-62, otherwise it is inoperable) that the response data packets (outgoing

Art Unit: 2619

network packets, see col.2, ln.57-58) should be sent (created, passed, and forwards, see col.2, ln.57-62).

Regarding claim 16, Minami discloses a data packet communication system, comprising:

- a peripheral device (display, see 326 fig.3);
- a filter device (protocol handler, see col.2, ln.43-45) connected to the peripheral device (fig.1 and fig.3), the filter device being configured to receive a plurality of data packets (network packets, see fig.1 and col.2, ln.43-45) and identify only pertinent information in the data packets while ignoring non-pertinent information from the data packets (protocol handler parses header information, see col.2, ln.43-45), the pertinent information being pertinent to the peripheral device (passed to a display, see col.2, ln.56-57);
- a packet generator (data state machine, see col.2, ln.57-58) connected to the peripheral device and the filter device (as shown in fig.1 and fig.3), the packet generator being configured to generate a plurality of response data packets based on the pertinent information (each data state machine reacts accordingly to the pertinent data, see col.2, ln.49-52),
- wherein the packet generator is configured to transmit the response data packets (outgoing network packets, see col.2, ln.57-58); and
- wherein the filter device is configured to transmit a signal indicating that the response data packets should be generated (inherent that protocol handler send a signal for the outgoing network packets as described in col.2, ln.57-62, otherwise the outgoing packets are not created by data state machine)."

Regarding claim 17, Minami discloses, "wherein the packet generator is configured to transmit the response data packets to a packetized data network (fig.1 and col.1, ln.32-33)."

Regarding claim 18, Minami discloses, "further comprising a protocol state machine (protocol state machine, see col.2, ln.40-42) configured for receiving the signal from the filter device (protocol handler, col.2, ln.43-45) and issuing a request to the packet generator (note: data state machine) to transmit the response data packets (inherent that protocol handler send a signal for the outgoing network packets as described in col.2, ln.57-62, otherwise the outgoing packets are not created by data state machine)."

Regarding claim 26, it is a claim corresponding to claim 16 and is therefore rejected for the similar reasons set forth in the rejection of claim 16.

Regarding claim 27, it is a claim corresponding to claim 18 and is therefore rejected for the similar reasons set forth in the rejection of claim 18.

Response to Arguments

3. Applicant's arguments with respect to claims 4, 16, and 26 have been considered but are not persuasive.

At page 6, applicant argues that Minami does not teach, "generating a plurality of response data packets based on pertinent information."

In reply, Minami explicitly discloses that each data state machine reacts according to the pertinent data and any outgoing network packets are created by the data state machines as described in col.2, ln.49-52 and ln.57-62. That is, the outgoing network packets generated by state machines are equivalent to the response data packets, and the outgoing packets are based on the pertinent information used by each data state machine. Therefore, the examiner respectfully disagrees.

At page 7, applicant argues that Minami does not disclose, "transmitting a signal indicating that the response data packets should be sent."

In reply, Minami discloses that any outgoing network packets as response data packets are created by the data state machines and a state machine is composed of a finite number of states, transitions between those states, and actions. A transition indicates a state change and is described by a condition that would need to be fulfilled to enable the transition. Therefore, it is inherent to transmit an action signal indicating the outgoing network packets should be sent, otherwise the outgoing data packets is not generated by a state machine. Therefore, the examiner respectfully disagrees.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2619

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 6:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-8774. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP
Jung Park
Patent Examiner

EDAN .ORGAD
SUPERVISORY PATENT EXAMINER

Edan Orgad 11/9/07